

E

373

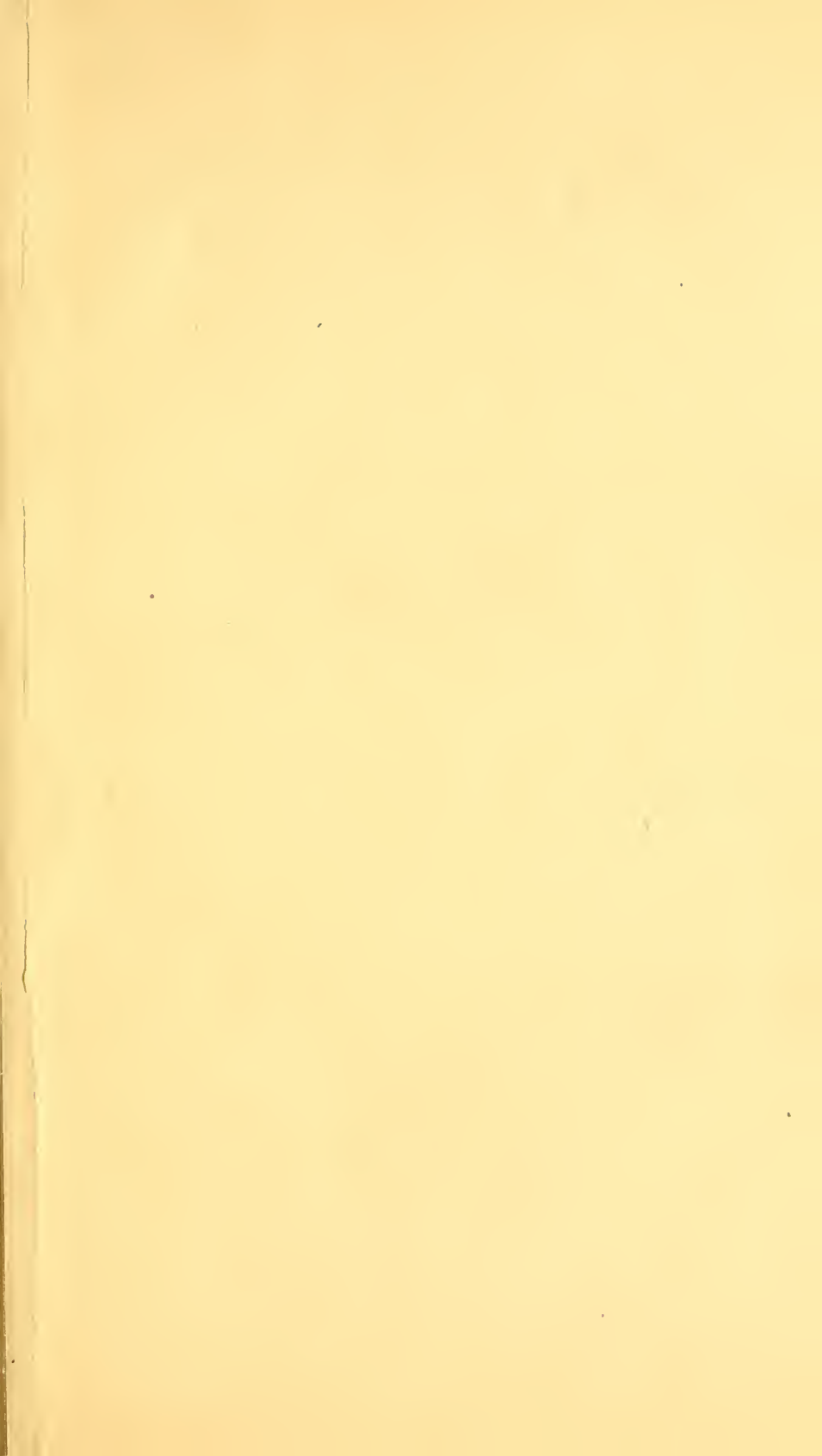
C37





Class E 373

Book .C 37







A CAVEAT;

OR

CONSIDERATIONS AGAINST

THE

ADMISSION OF MISSOURI.

WITH SLAVERY,

INTO THE UNION.

NEW-HAVEN :

PRINTED AND PUBLISHED BY A. H. MALTEY AND CO.

Oct. 1820.

E-373

C37

71153

A CAVEAT;

OR

CONSIDERATIONS AGAINST THE ADMISSION

OF

MISSOURI WITH SLAVERY INTO THE UNION.

AT the approaching session of Congress, it is to be finally decided by the Representatives of the American people, whether Missouri shall be admitted with or without slavery into the Union; and whether the magnitude of the considerations involved in this question be considered, with a reference to the Union or to the state of Missouri, it must arrest the attention of every citizen who ever reflects on any topic connected with the common weal. When such a question is presented, little apology is due for any well meant endeavour to give a firmer front to that portion of public opinion already arrayed on the side of justice and policy. Such a cause, with those who duly appreciate it, will sanction even the most humble attempt in its support. No friends of such a cause will be disposed to blame his earnestness who ventures to enter a *caveat*, however feeble, against a course which he deems, in common with them, forbidden by every consideration of duty to ourselves no less than to the people of the territory immediately interested.—As the moment approaches which is to determine the fate of such a cause forever, we are naturally eager to seize and improve the short space that remains; our solicitude ever increases as that moment draws nearer, and we become proportionally anxious to minister every attempt that may be prompted by our hopes or apprehensions. This anxiety can scarcely lead to supererogatory zeal upon a topic of import so deep and vast as the present: but if it should, a zeal which led to well meant though superfluous labours in such a cause would, doubtless, merit and would meet with more of favour than of censure.

If there are any who think that this subject has already become hackneyed, I would only observe to such, that hackneyed as they may suppose it, it has neither been exhausted nor has it lost aught of its interest. To exhaust such a subject would be impossible. It is a question too vast in its extent, and fruitful of arguments as numerous as powerful, to be so soon exhausted. It is a topic of that species whose interest increases with the increase of discussion. It is undoubtedly true, that the two more essential parts of this subject have received a full and ample examination both in and out of Congress. The arguments upon the *constitutionality* of the proposed restriction upon slavery, have perhaps been exhausted. It would seem impossible to add any thing to what has been so forcibly and eloquently and so often urged: *the moral and political evils of slavery*. But there are some other topics which were barely glanced at in the Congressional debates last winter: There are some arguments which were not *pressed*, and some which were not *answered* as they deserved. Topics which then seemed to be shrunk from, must now be met: the representative cannot fly from them. As he ought to be prepared to meet them, it is no less the duty of his constituents to be prepared to support him by their voice upon them. These cannot therefore be too much pressed on the public attention.

I comprehend the full force and am prepared for the full weight of the various epithets and denunciations which have been lavished on the advocates of restriction by the tongues and presses of our Southern brethren, and which a few presses further north have not forborne to echo. They have been stigmatized by one set, as the corrupt, unprincipled leaders of a faction, plotting the destruction of the very republic itself: by another, as weak enthusiasts, misled by crude and silly notions of the moral as well as the political evils of slavery: by another, their honourable efforts have been treated as a desperate struggle of a faction for power. What absurd and self-contradictory slanders, what palpable folly, all these suggestions are, it would be but the labour of a moment to prove. But I will not go aside to notice the wretched stuff that has been current in some quarters upon the subject of the motives and views with which the contemplated restriction was originated and supported. They do not need any vindication of mine or of any other man. The different grounds which have been urged and which will be hereafter stated, for our stand upon this subject, will be found not only sufficient to establish that, but to justify, nay, to command the utmost zeal that has been manifested upon it.

A revival of this momentous topic has been deprecated by a certain class, who affect great horrors at the idea of the second national agitation that must follow.* On this, I shall at present only observe that he must be a miserable dupe, or suppose that duping others is a very easy task, who lays or professes to lay any stress whatever upon this consideration. It is undoubtedly an unpleasant thing that our country should be agitated upon any great political question; we should therefore on any question that is likely to produce so disagreeable an effect, abandon all our grounds, whether of principle or of policy, for fear the public mind may be agitated! But what is this ghost of *national agitation*, conjured up by weak heads to shake weaker nerves? If by "national agitation" we are to understand an intense national attention to this subject, it is an agitation most devoutly to be wished. The public attention and interest excited by it can do no injury. Confined within the limits of peaceable discussion, they are the more beneficial as they have the more extensive range. There is no danger that those limits will be exceeded. This is not a question of the species that serve to awaken popular prejudices or popular fury. It has been from the beginning a pure appeal to the understanding, to the moral sense, and to the best feelings of the nation. All attempts to interweave old party dissensions and party watch-words with it have been indignantly frowned down by all parties. No topic which addresses itself to those tribunals I mentioned and those alone, can it ever be improper to press upon the public attention. Surely therefore, this dreaded national agitation is not the consideration to deter us from pursuing that course even at the hazard of producing a second one with all its terrors.

But those who deprecate with so much earnestness any further national agitation upon this question, may perhaps mean something more by it than the mere excitement of public interest, and the warmth of discussion which that may produce. They may mean to hint darkly at deeds of violence and insurrection that may follow. Such things have been more than hinted in another place already. So far as this meaning is intended, it shall receive, in a future page, all the consideration to which it is entitled.

I had intended only to insist on the right and duty of Congress to reject the application of Missouri for admission into the Union, until she had consented to prohibit slavery perpetually, within her limits. It was my intention to pass by the constitutional question respecting restriction upon slave-

* Vide Nat. Intelligencer, Richmond Enquirer &c. *passim*.

ry in the shape of a *legislative* provision, as proposed at the last session of Congress. But as I propose to deduce hereafter several important consequences from the right of Congress to prohibit slavery directly by its own authority alone, and as the right to do it *directly* may strengthen the arguments for doing it *indirectly*, I have concluded to pass in review the arguments upon this topic, even at the hazard of an imputation of tediousness and repetition. Besides, as neither the *right* or *expediency* of passing the restriction in that shape at this stage are abandoned, the question may not improbably be hereafter revived. Upon this subject, however, I must premise that I do not profess to give a full view of all the arguments in favour of the constitutionality of the proposed restriction in that shape, but of such only as have appeared to my mind conclusive and unanswerable.

In the first place, *From the relation which the territory of the United States bears in its TERRITORIAL condition to Congress*, I deduce the power of Congress to impose the restriction in the shape that was contemplated. That relation, it will be seen, is by no means equivocal. On this subject there has never been any conflict of opinion. Congress has been invariably supposed to possess an absolute and unqualified sovereignty—a legislative authority unlimited, except by those great principles of religious and civil liberty, such as freedom of conscience, right of *habeas corpus*, trial by jury, &c.—which the constitution has recognized as inviolate by Congress. It is true that some difference of opinion has existed as to the *source* whence this constitutional authority of Congress over the territories of the United States is derived; some considering it as an incident to sovereignty, and others, from the second clause of Sec. 3, Art. iv. of the constitution of the United States. It is plain that it cannot make the least difference as to the *result*, from which we derive it. In either case the constitutional supremacy of Congress is the same in its extent and its nature. I have chosen to consider it as derived from the clause before mentioned, in express terms. But from whichever it is to be derived, one thing is clear; in all matters touching the municipal regulations, the civil or criminal code of the territory, the authority of Congress is absolute and supreme. In the exercise of this supremacy, which I have derived from the clause in question, Congress may cede any part of the national territory to a particular State, to a foreign power, or by virtue of its sovereignty erect it into a new State, and, by force of the power conferred on it by another clause of the same section, admit it into the Union. Such is the nature of the authority with which Congress is invested, over

the national territory. This was the relation which the territory of Missouri bore to the Congress of the United States when its inhabitants applied for authority to form a Constitution of State government. Congress thought fit to grant it, and at the same time, while its authority over it as a territory remained unimpaired, it was proposed to enact that slavery should be forever prohibited in the territory out of which the new State was to be formed. This clause, prohibiting slavery, was opposed as an unconstitutional *restriction* upon the State. (I shall endeavor presently to show that it is a constitutional *reservation* of authority vested in Congress. It has been opposed as unconstitutional by men whose characters (we have nothing to do with their motives,) entitle their opinions to a respectful examination, however futile their arguments may appear to us. They have claimed that this restriction upon slavery by Congress was an interference with the municipal regulations of the new State, incompatible with its sovereignty, and therefore unconstitutional.

Now without stopping to enquire into the meaning of these vague expressions of "*municipal regulations*," and "*State sovereignty*," (neither of which, mean what they may, can have any application to this subject,) I shall proceed at once to consider the power of Congress to *reserve* a portion of its constitutional authority over the territory, as deduced from the *relation* they bear to each other. That relation has been already stated. It has been seen that Congress is vested with a sovereignty absolute and unlimited. When therefore any part of the territory of the United States, applies for authority to form a Constitution of State Government, it applies for a *relinquishment* of authority on the part of Congress. Congress may or may not relinquish a portion of it to enable the territory to *form* and support such a government. The Constitution does not bind or enjoin Congress to relinquish all or any portion of its sovereignty to any territory for that purpose. Such an idea is altogether unauthorized by the constitution, and has never been broached even in the Virginia school of constitutional lawyers. The constitution makes no relinquishment of any portion of the sovereignty of Congress *obligatory*. Congress then, being invested with this complete sovereignty over the national territory, and no obligation being imposed by the instrument which confers it, to relinquish it or any portion of it, it follows irresistibly that Congress may retain, modify and mould it as it sees fit. Such a sovereignty as the constitution confers on Congress over the territory of the United States, comprehends of necessity the power of retaining, parcelling

out or relinquishing it at pleasure. It may erect it into bodies politic of whatever form it chooses to give them. It may make all laws itself, or give it the power of making its own laws. It may relinquish such a portion of its sovereignty as to enable it to erect itself into a new State; but what it shall relinquish to a State deriving its existence from itself, must depend on itself—on its own pleasure. The relinquishment is voluntary, not compulsory, and consequently the *extent* of it, as well as the concession itself, must depend on the will of him that makes it. It may bestow or reserve as it pleases, and to what extent it pleases. The only limitation of the power of Congress on this subject is, that it cannot infringe the *constitutional franchises* of States. When a State is admitted into the Union, it possesses, of course, all the privileges that the constitution confers on a State—such as the right of sending two Senators, electing Representatives according to the constitutional ratio, &c.—but the powers which it acquires for its own independent State purposes, are derived from, and their extent must accordingly depend on, the cession of Congress. As to the powers and franchises which it acquires *as a member of the Union*, in virtue of its bare admission into it as a State, it must of necessity be on a footing with the original States. Congress cannot enact that a State erected out of the national territory shall not have more than one Senator, or shall have no voice in the choice of the President; or in any way diminish or add to the constitutional privileges it is entitled to, *in its functions as a member of the Union*. The constitution provides that *every State* shall have certain *powers or rights* as a member of the Union; and every State is, on its admission, possessed of them *by virtue of the constitution*. In this point of view, the position that a new State must be admitted on an equal footing with the original States, is undoubtedly correct in its fullest extent. In all the functions of a State as *a member of the Union*—in all its powers referred to *its confederate character*, which are derived from the constitution, it must by force of that stand on a footing of perfect equality with the other members of the confederacy. Whatever laws Congress might pass impairing the rights of a new State in *this respect*, would undoubtedly be void. The Congress cannot declare that a State, as a member of the Union, shall possess different privileges from those which the constitution assigns and guarantees to every member of the Union. *In this sense* Congress must admit new States on a footing of perfect equality with the original States. So far as the *confederate* powers and privileges of a new State are concerned, it is most indisputably not in the power of Congress

to add to or diminish them. The rights which it possesses in *its federate capacity*, are defined by the constitution, and are unchangeable.

Wide indeed is the difference between these powers and those which it possesses as a State for the purposes of a State administration. The latter depend entirely on the cession of Congress; on the relinquishment of a certain portion or of the whole of its constitutional sovereignty. But whence is the idea derived, from what part of the constitution does it receive the slightest countenance that Congress is to relinquish, of necessity, every vestige of its constitutional sovereignty when any part of the national territory is erected into a State? It is admitted on all hands that there is not the shadow of an obligation imposed on Congress by the constitution to erect new States out of the national territory. It may, if it should deem it expedient, keep it under a perpetual territorial government. As there is no obligation on Congress to create the State out of the territory, so there is not the shadow of obligation on it to remit all its constitutional sovereignty when it allows any part of it to govern itself. The territory thus formed into a State, has no pretensions to any authority of self-government whatever, as a *right*. How absurd then for it to demand that all the authority that Congress possesses by the constitution should be unqualifiedly abandoned to it, when by that constitution, its very existence and all the power that it can acquire as a State, are of *the favor of Congress* alone! This language may be thought derogatory to the dignity of *State sovereignty*, but it no more affects the sovereignty of the State than it affects the sovereignty of Japan. The sovereignty of the State is just as complete as to those subjects over which it is authorized to exercise the power of self-government as that of any State in the Union. It is *supreme* as to all subjects over which its legislative functions may be rightfully exercised as much as any other State. Its integrity of territory can no more be affected. Still it is a limited sovereignty, like every State in the Union. But whatever may be the effect of this language upon the dignity of the State sovereignty, it is the language of the constitution. It may be urged that if this doctrine be admitted, Congress may hereafter think proper to relinquish so small a portion of its sovereignty that the new States will be deprived of the power necessary in the regulation of its own proper municipal concerns. Congress, it may be said, may think fit to retain the power of regulating the descent of property, or of any other subject that has been usually considered as the exclusive province of the municipal regulations of a State. It might be sufficient

to answer to this generally, that the possibility of an abuse of power can form no argument to disprove its existence. This same argument might with as much reason be made use of to disprove the power of Congress to lay taxes, although it is expressly conferred by the constitution: for it might be said that it is impossible that a power could exist in Congress of indefinite taxation, concurrently with the same power in the States, when it might be so easily wrought to deprive them of all revenue, and thus to annihilate them. The entire disposal of this sovereignty of Congress over the territory of the U. S. is as clearly and expressly given by the constitution as the power of taxation. The same argument, therefore, which might be drawn from a possibility of abuse in the one case, would apply equally to the other.

Upon the view, therefore, which is here offered of the constitutional sovereignty of Congress over the national territory, it follows irresistibly that Congress may delegate or reserve it, as they deem expedient: that the idea that Congress may not reserve or retain a portion of it with regard to any particular subjects, is altogether fanciful and gratuitous. I have not thought it worth while to advert particularly to the alarm which a possible abuse of this power might be made a pretext for exciting. It cannot surely be necessary to take much pains to quiet apprehensions so groundless as those arising from the exercise of a constitutional power of Congress. The danger to new States from this power of Congress is the same as that arising to the old ones from the power of taxation, and many of the other powers of Congress. If the power claimed can be proved to be an unconstitutional assumption, there would then be good reason for opposing it to the utmost of our means: but till then these affected apprehensions serve no purpose but to mislead the weak and uninformed.

But it has been contended and with much ingenuity, that this relation, which is conceded on all hands to subsist between the Congress and national territory, has been essentially changed in the case of the Missouri territory by the act of Congress which advanced it to what was called "the second grade of territorial government." (Speech of Hon. H. Baldwin, in the Missouri debate.) To explain this; the first grade is said to exist when the judges, governor, &c. are appointed by Congress or under its authority, and all the laws of the territory are made by it. This is the first grade of territorial government. But Congress has been in the practice of authorizing the inhabitants of any particular territory, when its number of free white male inhabitants amounts to five thousand, to elect a general assembly, or

territorial legislature, which nominates ten persons, out of whom Congress, or the President under its authority, selects five as a legislative council. Two branches of a legislature are thus organized, who, by the allowance of Congress, have power to make laws, subject to the *veto* of the governor. This (or something like this, as Congress may vary it,) has been called a "second grade of territorial government." In this fancied *grade*, the assembly above described, has, hitherto, had authority granted it by Congress to make laws touching most, and in some cases all, the internal concerns of the territory. In the case of Missouri, the authority was in these words: "The general assembly of the territory shall have power to make laws in all cases, civil and criminal, for the good government of the people of said territory, not inconsistent with the constitution of the United States." (Laws of the U. S. vol. 4. p. 438.) Now it is contended that such an authority as this, conferred on any territory carved out by Congress, makes a territorial government of the *second grade*, and that when once this second grade is thus created, the power of Congress over the subjects comprehended in the authority of the territorial assembly, has forever ceased. That this authority is irrevocable, like the charter of a corporation, and that Congress can no more interfere in the internal polity of such a *grade of territory* than it can in the internal polity of a State! A very few observations will suffice to shew the futility of this idea. It is clear that the constitution of the United States recognizes no such *grades* of territorial government. It knows no such state of "betweenity," as a member of Congress, Mr. Baldwin, who urged this argument, termed it. It has made no form of territorial government that Congress may devise, unchangeable and irrevocable. It acknowledges but one grade of national territory, and while the state of national territory subsists, the power of Congress over it is absolute and unlimited. It may model the government of it on what plan and principle, consistent with republican principles, it pleases. It may, one year, give the representatives of the people, in the territorial legislature, the power of appointing all offices for the territory and of making all laws for its good government, and it may, the next year, repeal the law granting that authority, and resume both the powers itself. This results both from the nature and extent of its sovereignty and its constitutional power to make all rules and regulations for the government of the territory. The notion that such an authority to a territory to legislate upon subjects of internal polity or to choose its own officers, is irrevocable, proceeds upon the ground that the authority

is like the charters of corporations, a *contract*. The *case of Dartmouth college* was actually cited on the floor of Congress to prove that the *authority* which Congress may delegate to the people of a territory of making laws, was irrevocable and unalterable. If these principles which govern *grants to bodies corporate* have no limits in their application, there is no law conferring an *authority* on any individual or body repealable. But this grant, (if it must be termed so,) of authority to a territory to make laws for itself, is only and merely a "regulation" of Congress for the government of the territory, and like all other "regulations" must, of course, be subject to repeal and alteration. If the principle of the irrevocable nature of grants to bodies corporate is to be applied here, the consequence is, that Congress may make "rules and regulations" for the government of the national territory, but cannot alter them. The very power perishes in the exercise of it. If any need that such a position should be refuted, I should despair of convincing them of any thing by any argument, and with such I cannot reason. It is sufficient answer to such a position to state it.

But the relation between the Congress and the territory of the United States, presents itself in a somewhat different point of view, as it respects this restriction. Without any reference to the reservation of sovereignty, which I have just urged, the power of Congress to bind the territory *forever* upon subjects within the scope of its legislative authority over the territory, may be manifested in a different mode. When I say bind it *forever*, I mean as well after as before its admission into the Union as a State. A single glance at the origin and nature of the legislative power of a State formed out of the territory of the United States will, I apprehend, convince any rational being that it may thus bind the territory. The power of Congress is supreme, and the source of all the legislative power of such a State. All the legislative power of the State thus formed is *derivative*. While Congress therefore has the supreme authority, it may pass laws prohibiting *perpetually* the introduction of slavery into the territory: Those laws, if made and declared *perpetual* by Congress, are repealable by Congress itself—but by itself alone. For the power of such a legislature being altogether *derivative* must be subject to laws having their force and origin from the superior legislature. The *derivative* power must otherwise be superior to the *original*. If therefore Congress should pass a law regulating the descent of property *forever* in all the national territory, and make and declare it unalterable and unrepealable by any territorial or State legislature that it might afterwards erect in the territories, I

ask where would be the power, except itself, that could change such a law? It is made by a rightful legislator; it is made by the supreme *source* of all subsequent legislatures that may subsist in the territory. That a State legislature which derives all its power from the grant and allowance of Congress, should have the power of annulling all the prior acts of that body, made *perpetually* binding on the territory, is manifestly contradictory and absurd. But I need not urge this principle. It has been already recognized in its fullest extent by the opponents of restriction themselves, in the act prohibiting slavery *forever* in all the territory of the United States, North of 36d. 30m. N. latitude (commonly called the *Compromise*.)

In the *second place*, the power of Congress with respect to the admission of new States into the Union, most amply sustains their right to insist on this restriction though in a somewhat different shape: that is, rather in the shape of *compact* than of legislation. The first clause of sect. 3d, art. IV. confers this power, and is in these words: "*Congress may admit new States into this Union.*" This invests Congress with the fullest power that could be expressed, with respect to the admission of new States. It is unqualified and unlimited, and leaves the subject in the hands of Congress without restriction or reservation. This power cannot be mistaken. It is the power of admitting or rejecting any *commonwealth* *wherever* formed and whatever its constitution, that may apply for a share of the benefits of this Union. Congress may here exercise the fullest discretion, and upon a view of the commonwealth that applies for admission, upon a view of the character of its population, its particular institutions, its constitution of government, or of any other and all other features of its condition, may admit it or not.

This power of admitting or rejecting at pleasure, new States applying for admission into the Union, *necessarily includes* the power of admitting them upon such conditions and with such mutual stipulations as may be agreed on between Congress and the new State applying for admission. This has from the first appeared too plain to admit of doubt, and almost too self-evident to be susceptible of argument. To deny it, goes not only to deny of this power what nobody ever thought of denying with respect to any other power: to wit: "That the power of doing or not doing at pleasure necessarily involves the power of doing *upon condition*."—But the denial of the power of Congress to admit new States *upon condition*, leads to an absurdity, if possible, more palpable than that, that Congress and a State are not capable of making a compact with each other. It deprives both of the

right and power of contracting. Where is such a doctrine to be found? Who would own himself the author of it? and who ought not to be ashamed to support it? In one word, if there is any thing incontestible it is this:—that Congress, under its general power to admit new States, may admit them upon *such conditions and terms* as may be agreed on by the contracting parties.

The only point which remains for a moment's consideration, is whether the *proviso*, intended to have been added to the act authorizing Missouri to form a State Constitution, can be considered as a *compact*; and whether Congress may, before a new State is formed, lay down a *condition*, with which it is bound to comply, if it comes into the Union.

The shape which the contemplated exclusion of *slavery* from the State of Missouri assumed, was that of a *proviso* annexed to the law authorizing the territory to form a State government. After granting it that authority, the *proviso* went on: "*Provided that involuntary servitude, except in the punishment of crimes, shall be forever prohibited.*" If a State had been already formed, no matter how or where, and soliciting admission into the Union, and Congress had admitted it, with *proviso* at the same time, that slavery should be prohibited forever within it, and the State had acceded to the Union under this proviso, it would incontestibly have been bound by it as a *compact*. It would be a compact of the highest and most solemn form—a *legislative compact*. If the State had violated its good faith by permitting slavery, after its admission, Congress would have the right to *compel* an observance of the compact. But there would be no occasion for it to interpose its own power to do this—Most unquestionably the Supreme Court of the nation would enforce the principles of the compact, in all cases that might come before it. The new State would be subject to the jurisdiction of that tribunal, and it would be as much the duty of that tribunal to enforce that compact as it would to enforce any law of the U. S. or of that State. But I do not wish to enter at large into this subject. The supposition ought not indeed to be indulged for a moment that the State would violate its good faith.

Is there then any difference, with respect to such a compact, between the case of a State already formed, and the case of a State about to be formed, out of the territory of the U. S.? Where is the ground of difference? The same condition annexed by way of *proviso* to the law authorizing the formation of a State government, must bind the State when it is formed, if it accepts the authority. If it proceeds to form a State government under such an authority, it does it

subject to the condition annexed to it : the authority and the condition are accepted together. But this argument needs no further illustration. If it had been less clearly demonstrated by others already, so firmly convinced am I of its irrefragable nature that I should venture to leave it without further comment.

To these arguments, drawn from the constitution itself, I might here add, the argument to be drawn from *precedent*—which in all other cases of construction of any part of our constitution has always been most strongly and justly relied on. The practice of our government, uniform and unquestioned, in the formation and admission of new States, to annex *conditions*, must, if any practice can have force, be an argument of the most forcible nature here. But as the arguments drawn from the constitution itself appear to stand in no need of this to fortify them, and as it has been contended that those precedents passed *sub silentio*, and have not therefore the full force of precedents, I shall pass it, not from any opinion however of its *weakness*, but of its superfluity. I shall proceed in this spot to consider an *objection* which has been raised from a part of the constitution itself.

The part of the constitution which has been selected for the purpose of an argument against the right of Congress to annex this restriction, is the 12th amendment. The history of that is well known to every body ; the Conventions of several of the States, at the time of ratifying the federal constitution, had from some undefined apprehensions of the powers of Congress, expressed a desire that further declaratory and restrictive clauses should be added. Accordingly Congress, in obedience to that wish, at their first session, proposed a number of articles, some *declaratory* and others *restrictive* or *enactive*, among the first of which is the amendment in question. It is purely *declaratory*, and is only an instance of the extreme and overweening jealousy of the powers of Congress and the federal government, which prevailed at that period, and which is still in some parts of the nation cherished with a zeal as blind and groundless as the prejudices which first gave it birth. That amendment declares, that “ *The powers not delegated to the U. S. by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.* ” This declaration provides nothing and operates nothing. This was the only construction that could be given to the constitution before. The nature and spirit of our constitution, and of the powers it confers, which are wholly delegated, made such a declaratory amendment unnecessary and inoperative. It is whol-

ly inoperative—for the legal maxim, "*expressio eorum quæ tacite insunt nihil operatur*," is most applicable here. Where there is doubt, well grounded or plausible, it is highly proper to remove it by something *declaratory*; but where doubt is absurdity, it is absurd to be at such pains to remove it. It is inconceivable how intelligent men could ever have carried their apprehensions and jealousy of the general government so far, as to require a declaratory article of this nature. How they could for a moment doubt that the government, created by such a delegation of power and sovereignty, could not exceed the limits of its delegated powers. This amendment therefore defines nothing, but leaves every thing as it was before. Aside from this amendment altogether, there can be no doubt but that a new State, admitted into the Union without any *reservation* of authority on the part of Congress, or without any *compact* that restrains it in any way, would be in possession of "all the powers not delegated to the U. S. or prohibited to the States." But this amendment affects no power *previously delegated* to Congress by the constitution. It cannot therefore affect the right of Congress to *reserve* (which I have contended it possesses,) its authority on any subject of legislation in the territory which it erects into a State. The power delegated to it of making rules and regulations for the territory of the United States, *contains* this power of *reserving* it: and therefore, as this right of *reservation* in Congress is a power delegated to them, this *declaratory* article does not alter it. Indeed, from the very *nature* of this article, it can have no weight in the construction of the constitution. If before this amendment Congress was *bound* to surrender all its power over a territory which it authorized to be formed into a State, it is now bound to do so. If it was not then, it is not now. And this brings us again to the question: whether Congress, from its *constitutional relation* to the territory, has not the power of *reserving* any authority on any subject of legislation in the territory? This, I have already attempted to demonstrate, it may do.

But neither does this amendment in the slightest degree affect the right of Congress and the State to make a *compact*, with respect to a power that would belong to the State when formed. If the State would possess the right to interdict or admit slavery, does this amendment affect her right to stipulate before hand with Congress that she will interdict it? That this power belongs to the State, does not surely affect its right to deal with it as it pleases. Nor because Congress has not a power delegated to itself to do or prohibit a certain act, does it follow that it may not stipulate with the

State which possesses it, either to do or prohibit that act. This would be to take away all power of making *compacts* from Congress, and nothing less than such a doctrine can affect its right to insist on this restriction. In the last place, this constitutional question, if any shadow of a doubt could be thrown upon it still by false reasoning or false *facts*, must be put forever at rest by a single glance at the power conferred on Congress by another part of the constitution. The power of Congress "*to regulate commerce with foreign nations and among the several States*," taken in connection with the restriction contained in the 9th Sect. of Art. 1, will put this matter beyond doubt. That restriction provides that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." This clause is plainly a restriction on some power previously conferred on Congress. So far as Congress is restricted from prohibiting "*the importation of such persons*," it is obviously a restriction upon its general power of "*regulating commerce with foreign nations*." This clause confers the right on Congress of prohibiting the *importation* of slaves ; the restrictive clause postpones the exercise of that power till the year 1808. Now, the power conferred on Congress of "*regulating commerce among the several States*," is conferred in terms co-extensive with its power of regulating commerce with foreign nations. If the same rules of construction are to govern the one as the other, the power of Congress to prohibit exportation from one State to another, is as clear as its right to prohibit exportation from any State to a foreign nation. Cases may be easily supposed, in which, such a power over the intercourse of the States would be necessary, to enable the general government to fulfil its duties. If, for instance, the government, in time of war, should have an army in a particular State, and, for the sake of securing supplies for it, it should become necessary to lay an *embargo* on the exportation of provisions, &c. from the State, Congress would, in virtue of this power, have an undoubted right to do it. We might naturally look for some restriction upon this power of Congress with respect to prohibiting the commerce in slaves between the different States. It was not to be expected, that those who insisted on restricting the right of Congress to prohibit the introduction of slaves, from abroad, would let the power of prohibiting the *slave trade* "*among the several States*," pass without restriction. Accordingly, we find

this restriction expressed in appropriate terms. This restrictive clause provides that the "*migration of such persons* shall not be prohibited prior, &c.": Now the term "*migration*" could not be applied to the importation of slaves from abroad. This would be not only superadding an unnecessary word, for the word *importation* is itself used, but it would be using the term most incorrectly. The word "*migration*," means only a change of residence from one part of a country to another. This meaning is given it by all the standard lexicographers. If it means any thing else, if it is synonymous with importation, as has been contended, it would be a word without meaning and without use. This cannot be supposed: those who framed that instrument did not use superfluous phrases: we cannot, therefore, without doing violence to their language, give it any other construction than that I have stated.

But this important point does not rest here alone: we have from more than one of the convention that formed the constitution, the views of that body upon this very question. Mr. JAY, who was a member, has solemnly declared, that the above was the construction given by every member of the convention; and the journals of the convention, it is understood, exhibit the same views in the clearest light. It was *universally* taken for granted that the power of Congress to prohibit the commerce in *slaves* among the different States, was the same as to prohibit it with foreign nations; and it was as universally understood that the word "*migration*," in the restrictive clause above cited, referred to the regulation of that commerce among the different States. Surely doubt must be silenced here. Every argument that could put the question at rest is found; and if there are any that can serve, on the other hand, "for a loop to hang a doubt upon," I am not aware of them.

I have dwelt on this part of my subject much longer than I ought or intended to have done. I am glad, however, that it furnishes me with an excuse for passing with few words one argument against restriction, which I have scarcely patience to consider at all. Its nakedness has never been covered for a moment by the flimsiest veil of sophistry.

The argument alluded to is that drawn from the Treaty by which we acquired this territory. That contains a stipulation "that the inhabitants should be incorporated into the Union, as soon as may be, according to the principles of the federal constitution." Whether this stipulation is not fulfilled by admitting the inhabitants to the privileges of citizenship alone, without erecting the territory into States, might admit of the greatest question; but I am willing to consider

it as all that has been claimed—as a stipulation that the territory should be erected into States, and they admitted into the Union. No argument can then be drawn from it. In the first place, the President and Senate cannot, by treaty, *admit new States*. Nor consequently can they *bind Congress to admit them*, unless it thinks proper. This stipulation must therefore be taken to have been made subject to the sanction of Congress. The President and Senate, by virtue of the treaty-making power, can no more admit a new State than they can make war by force of a treaty. The power of admitting new States, like that of declaring war, is vested in Congress alone, by the constitution, and no treaty can affect the one more than the other. This stipulation therefore must be taken to be made *subject to the sanction of Congress*. But even granting for a moment that Congress is *bound* to admit the territory as a State into the Union, still, it does not follow that it is bound to admit it *unconditionally*. It is to be admitted according to “the principles of the federal constitution.” Now if by that constitution Congress has the right of admitting upon conditions, Missouri would still be admitted upon the principles of the federal constitution if admitted with this restriction. But I have already spent more lines upon this argument of the treaty than it deserves letters. I pass from it with disgust at such attempts to sustain a cause condemned by every consideration, human and divine.

The question then is brought to this: Whether the Congress of the United States, having it in their power constitutionally to choose, will prefer that a new member of this Union shall be free or not from the stain and curse of slavery?—Whether it will extend and encourage, or arrest and exclude it, from a territory toward which it is making its deadly and hateful progress, but in which it has not gained a fast foothold yet? And what questions are these for an American Congress to hesitate upon? Has slavery lost its character or its effects? Has it become, by a revolution in the code of the rights of man, less oppression than it was? Have we grown wiser since the “sainted sires” of our nation asserted, in the most august assembly that any age or country ever beheld, that all men were “born free and equal”? Have we discovered that they were in the wrong when they affirmed that all men were “endowed with certain unalienable rights, among which are life and liberty”? By whom, when and where was this discovery made? What has rendered it just in their immediate descendants to deprive all whom they may of these unalienable rights? Has slavery “changed its spots,” that men are thus anxious and

zealous in extending it? Has the interdict, which every principle we hold sacred as freemen pronounces upon it, been removed, that we should be instrumental in administering such food to the depravity that craves it? Or has this oppression, tolerated from necessity, flourished so long that it has grown legitimate? By what strange transformation is it that the extension of slavery has become a fit cause to employ the energies of the patriot, the philanthropist, and the sage? Whence comes this unholy zeal to pour slavery into regions yet almost untainted by it?—to pollute a soil and a climate favored of heaven, with a curse that claims so near affinity with hell?—to make plains and vallies, which should never echo but to the voice of freemen, resound with the yells and shrieks of oppressed and degraded humanity? The time assuredly was, when such a question as this subject presents would not have made so wide a breach in the opinions of an American Congress. The time has been, when it would have been met with a degree of unanimity by the representation from all parts of the Union. At least, the time was when slavery would have found men to breast its progress in the representation of the non-slaveholding States, who would have needed no appeals to their consciences, their hearts, or their understandings, to keep them firm to their purpose. Nor is it long since the most distinguished men, who were born in the land and cradled in the lap of slavery, were as loud and as sincere in their condemnation of it as any men in this nation. *They* lamented the necessity that obliged them to maintain a practice so inconsistent with the rights of man, so fraught with moral and political mischiefs, and so dangerous to their country's tranquillity and their own safety. But now, when the question is to be decided whether Missouri shall be eternally visited with this calamity, or preserved from it, how different is the note heard from that quarter of the Union! "Slavery has now lost its terrors and its deformity: now the people of the States where it exists not, have crude and exaggerated conceptions of its evils: they do not understand the subject:—Now the principles of our Declaration of Independence are principles to talk by and swear by, but not to live by."—This has been the language held in an American Congress, in the face of the nation and of the world. This only proves that slavery, like all other monsters, loses its horrors upon familiar acquaintance. Men who have attained this state of insensibility by their unhappy contact with it, are not ashamed to become its apologists and defenders. But we, who are by principle, by feelings and education, opposed to it,

are not yet prepared to learn a new creed upon the subject from such men.

Let those whose moral sensibilities are thus blunted by familiarity with slavery, hug it, if they please, as fondly as they would their dearest rights. This cannot change its character. It is *intrinsically wrong*; if there are any rights but those of the strongest; if all the rights of man are not a jest and a dream. It is the foulest oppression, if we have a title to one jot of that freedom which we consider as our heritage. Liberty is as much the heritage of these unhappy men as it is ours: and though we may force slavery upon them for a while in its stead, yet their right to freedom is, as we hold ours, unalienable and inextinguishable. We may cry that they cannot bear liberty—that they are not ripe for emancipation: But whose is that fault? Not the fault of the slave; for he, poor wretch! is not master of his own destiny. It is the master's will and the master's interest, that have so long kept him in a state unfit for emancipation. And now he would take advantage of his own foul wrong, as an excuse for holding him in perpetual thralldom! What a spectacle for the freest nation on the globe is this! Millions of slaves in her very bosom, kept in a state of the most abject servitude, because they are not intelligent enough to liberate, and no step ever taken to render them so; no step but what tends to rivet their chains forever; to seal the doom of slavery to eternity!

The *moral* consequences of this practice are precisely what might be expected to follow from such a violation of the laws of God and nature. But I am not disposed to soil my pages with details of the cruelty, licentiousness and sensuality, of which this unhappy race are so often the objects, and not unfrequently the victims. These, abominable as they are, are not the only nor perhaps the worst effects that follow in the train of slavery. Its influence on the moral state of the slave himself is, to those who recognize him as a fellow creature, the blackest feature in the portrait of slavery. The security of the master consists in the ignorance of the slave. They must not learn their own condition, for they would be rendered desperate. Hence the slave becomes a brute, to all intents, in his moral as well as his legal capacity. In all the slave States the instruction of slaves is by law prohibited! It is made penal, made a *crime*, to raise them in any degree above the level of the beasts of the field. And all this raises no blush in the cheek of him who, while he calls them his property, is forced to acknowledge them as his fellow men! This systematic brutalizing of so large a portion of our species has ceased to excite sensation

among men who are so proud, and so ready to manifest sympathy and indignation for the fate of the oppressed in other climes!

It has been said that the slaves are by no means so brutish as has been supposed, for they are very *affectionate* and *faithful* to their masters. So is the dog who licks the crumbs from under his master's table; and this is all the affection of the slave. His affection and fidelity are but an amiable brute instinct. Like that of the brute alluded to, it is generally manifested most where the poor wretch is worst treated. This ludicrous argument of the slave's *affection* for his master and his family, was actually urged on the floor of Congress as a palliation if not a justification of slavery.

But after all, this system of *negro slavery* is more immediately perilous and appalling in its *political consequences*. The dangers of this species that attend it, press upon us at every moment, shut our eyes as we may. If the slave States could be sure of always retaining their slaves in the same state of ignorance, these dangers would not be few nor small. It is well known that their past experience has not left them entirely free from apprehensions. There have been conspiracies among the slave population that, rude and feeble as they were, served to show the spirit of desperation which prompted them. I speak of facts notorious and undeniable, when I say that in some districts, and those not narrow in extent, the planters never retire to rest till they have, *armed*, and that with mortal weapons, reconnoitered the huts of their slaves, in the darkness of night, to see that no scheme of insurrection and havoc is plotting under its cloak. This evinces, in a light not to be misunderstood, what reliance is placed on their fidelity in the state of ignorance.—But if ignorance is some security against these attempts of the slaves, it gives them, where they may be made, a character ten thousand fold more horrible: it gives them the character of tygers: it leaves them without the check of principle or reflection, or any of the proper feelings of the human heart, abandoned to the fury of wild beasts. This has been the character of negro insurrections every where; and servile wars have in all countries borne the same stamp. They have spared neither age nor sex. It is not a war of conquest—not a struggle for power on the part of the slave: it seems only directed to revenge—and a revenge the most deadly: to be satiated with nothing but indiscriminate massacre and universal extermination. Such was the war that desolated St. Domingo. But that monument of the tremendous despair of slaves, is contemplated with composure by those who have the same elements of devastation pent up

in the bosom of their own country. That awful beacon, which threw its baleful gleam upon our very shores, seems to have given its warning in vain. Because such convulsions are like those of nature, of rare occurrence, men sleep on, like the inhabitants of countries subject to earthquakes, till the mortal throes begin. But in the one case as in the other, the elements of the earthquake and volcano need but a spark to explode them. Both alike burst without warning, and sweep the face of the earth with equal relentlessness. But in the one case, the elements of convulsion are still under our controul: it is yet, by the blessing of heaven, in our own power to determine whether they shall be neutralized by the progressive diffusion of knowledge and emancipation, or whether they shall be smothered till they are ripe for explosion; for explode they must and will, at some future period, keep them in as abject ignorance as you may: and when that comes, though it may yet be distant, by how much the more ignorant and degraded they are in their moral character, by so much the more tremendous and unsparing will be the visitation.

But though there might be no danger whatever, to be apprehended from the slaves while they remained in their present state of ignorance, it may be a topic deserving the consideration of the present generation of slave-holders, or at furthest of their immediate descendants, whether it will be in their power to keep them in this state perpetually. The tide of intelligence runs in this country, as well as in Europe, every day with a wider channel and a more rapid current. Can the master calculate on their perpetual ignorance in such a country? They surely cannot with much certainty, and if once the slaves become as intelligent as the laboring class of people in the non-slaveholding States, with whom some slave-holders have most insolently compared them, they may depend on this; that they will soon be as free. They will then never rest till they have made some advantage of their accession of intelligence. They will obey the impulse that they will then receive from every thing around them, and this country may, when that day arrives, atone doubly to the race for their wrongs. But heaven avert such a day. May knowledge never come to them if it is to find them groaning in unrelaxing slavery; but rather may knowledge and freedom, hand in hand, gradually lead them to a condition in which they will cease to be a terror and a reproach to our country.

The system of negro slavery is *peculiarly* dangerous in a political point of view: it is more so than any other species of slavery which has prevailed in other times and other coun-

tries. Slavery existed among the Romans : they had slaves principally taken in war ; but, always of nations that resembled them in *complexion*. As the practice of emancipation was very extensive, and no impediment whatever was thrown in its way ; and as they resembled, in complexion, the people among whom they were cast, they fell naturally and easily into society as soon as they were emancipated. Thus, some freedmen were of the most respectable men in ancient Rome. This class of men was incorporated without difficulty and without scruple with the great body of the people. The same observations are strictly applicable to the *villanage* which prevailed in feudal times in England. They were both completely at contrast, in these respects, with negro slavery. Accordingly, Rome escaped with only one servile war, which, however, brought her to the brink of ruin. But the ease with which slaves, in both these nations, became members of the society in which they were, became incorporated with it to all intents, gave them *no inconsiderable stake in the interests of that society*. They looked naturally, therefore, to emancipation for freedom, rather than to insurrection and servile wars. But the *negro* slave has no such facility of becoming incorporated with the society around him. He has, therefore, no such stake in it : nature herself has pronounced an eternal *veto* upon his incorporation with it. He has no check, no restraint, in consequence, upon his inclination, if he should ever harbour one, to free himself by insurrection and massacre.

But, to these and all other motives that have been urged for excluding slavery from the limits of the contemplated State of Missouri, and for confining it within the limits which it now occupies. it has been answered, that, by admitting slaves in Missouri, slavery is not *extended*, it is only *diffused*. This ludicrous argument for the extension of the limits of slavery, it would be better worth while to preserve as a curiosity than to answer. So it seems, that the moral and political curses of slavery are to be *diluted* by spreading them over a greater extent of territory ! It is said, however, that the number of slaves would not be increased by it. This, at least, is certain, if I mistake not, that they would be increased in Missouri. As to the number of slaves being *decreased* in the present slave States by the migration to Missouri, nobody who has the least acquaintance with the principles of population will for a moment expect or believe it. It is a first principle, familiar to every man at all conversant with the subject, that when the population of a country has attained a certain proportion to its means of subsistence and the demand for labour, it ceases to increase :

It becomes stationary, until propelled again by some new call for industry by the increase of capital and subsistence. But, long before that period arrives, a country of a tolerably dense population, will send out numerous colonies and people vast territories, without sensibly affecting the increase at home. The *increase* in years during which colonies do not migrate, will be the same with that in years which furnish thousands for migration. The population receives a fresh impetus from the emigration itself. It is like, it is in fact, a new call for the industry of the population. This would be the case with the slave population upon the extension of slavery to Missouri. It would be opening a new market, a new consumption for slaves. The trade of raising them would in consequence thrive more in other States. Thus, Missouri would become blackened with slaves, and they never the whiter. It is only by reducing the demand for slaves that you reduce the number. But whether the whole number of slaves in the Union is to be increased by the extension of slavery to Missouri or not, whether it is diffusing it or extending it, this is clear; that the moral and political evils of it are to be extended or diffused, no matter which, over the vast State of Missouri. Whether *diffused* or *extended* can make no great difference to her in their malignancy. This miserable substitute for sophistry, about the *diffusion* of slavery, cannot impose on any man. The State of Missouri is still under the protecting guardianship of the Union, and, though she has disappointed the forlorn hope of those who had looked to the good sense and principle of her citizens for a prohibition, it is not yet too late for Congress to remedy the mischief.

That remedy is to reject the present application of the State, and all her applications for admission into the Union, until she shall by her constitution prohibit slavery forever; or to *declare* at once that it shall be prohibited forever as the *condition* of her admission into the Union. A large majority of the House of Representatives has already manifested a determination to arrest the progress of this national calamity and disgrace. They are now called on, by every consideration that can address itself to men's consciences, their hearts or their understandings, to interpose and stay the plague. Their solemn duty to the inhabitants of the territory over which they yet retain a constitutional guardianship, their duty to themselves and their posterity, demand imperiously that they should reject the State or insist on the condition. As they value the welfare of Missouri herself—of the unborn thousands hereafter to inhabit that extensive territory—they are called on to reject her till she renounces

her suicidal designs against it. But in another and a peculiar manner does this subject address itself to the non-slaveholding States. As they value their own best and dearest political rights, and those of their posterity, they are called on to resist further inroads on them. The suffrages which the slaves confer on their masters, was the most important and most dangerous concession made by the non-slaveholding to the slave States, when the constitution was formed. It is no less than conceding them a greater proportional number of representatives than we enjoy—giving them a greater political influence than we possess. It is no other than to mete out two different *measures of political weight* to the slave and non-slaveholding States. In the one, their political weight in the government is measured by the number of free persons:—in the other, not by the number of free persons: That would not satisfy them. The same rule of representation would not answer for them. They insisted on one that would give them more than they would have by the same rule. Three-fifths of the slaves were at last conceded, as the advantage which the slave States were to possess over the others in the *ratio of representation*. If Missouri is to be admitted as a slave State, and to emulate the others in the business of rearing slaves; if the field of operation is thus to be widened, there can be no difficulty in perceiving that upon the principles of *population* and *demand* the whole number of slaves in the Union must be increased by just so many as there is a demand for in Missouri. There will be a press of slaves into that from the old slave States; and the more rapid increase of the native slaves, together with the help of smuggling from abroad, which has not entirely ceased, will soon supply their places there. Those transported to Missouri will go on populating still more rapidly, as the demand there will, from obvious causes, be greater—and in fine, the whole number of slaves in Missouri would be added to the weight of the slave representation in Congress. And will the representatives of the free States in that body still go on increasing the extent of this concession to slavery?—Will they continue to make further surrenders of our just rights and our just and equal political influence in the government of the nation? The number of representatives given by *slaves* would decide the fate of almost every great question which arises in that body. It may controul the destinies of the nation in cases where a few voices would turn the scale. This is the concession which we are called on to continue as we began. What could compensate us for this? Nothing could be an equivalent for such an unhallowed compromise of our best rights and the incalculable interests

they involve. What are we to receive in return for it? Not even kind words:—It is to be extorted by threats and repaid with contumely.

As immediately connected with my present subject, I am obliged to advert to the necessity which Missouri has herself imposed on Congress of rejecting her *present* application for admission into the Union. The condition, expressed as well as implied, of her authority to form a State constitution was, that it should “contain no provision repugnant to the constitution of the United States”: But the constitution of Missouri contains a provision which violates it in such a manner that Congress cannot overlook it. It is too clear and palpable, as well as too evidently intended. I allude to that provision of the constitution of Missouri which prohibits free blacks and mulattoes from immigration and settlement in that State. Free blacks and mulattoes are unquestionably *citizens* of the States in which they are born and *reside*, as much as any other persons. In some of the States they are even allowed the privilege of voting at elections. In the State of New-York they possess it. That, however, is not necessary to constitute them citizens. *Birth* or *naturalization* is all that is necessary: and *free blacks* and *mulattoes* are in consequence citizens. Of this there can be no doubt. This article in the constitution of Missouri is therefore a direct violation of that article of the constitution of the U. S. which provides that “the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.” It is an intentional violation: It seems to have been designed as an insult to those members of Congress who would have “fettered freemen,” forsooth! with a restriction upon slavery. This infringement of the constitution of the U. S. none will probably attempt to palliate. But it will be said that as it is manifestly repugnant to the constitution, it is therefore *void*; and Congress need not reject the State on that account, for the purpose of having it expunged by the people of it. The judiciary, it will be said, will set it to rights immediately.—This answer would be undoubtedly true as to its being void; but that Congress ought not therefore to reject the State, is the farthest from truth conceivable. The considerations which require it to reject her are not to be thus parried.—The State of Missouri has, by this article, so *manifestly* and *intentionally* in violation of the constitution of the United States, shown her disposition to resist its operation in this particular, if occasion should require. She has, in defiance of that, prohibited the entrance of free blacks, and virtually said, “I have excluded them: get them in against my will

if you can."—Nor is there the least doubt that this is the tone both of feeling and language in that territory at present. The first question therefore for Congress to determine is, whether they will maintain that respect for the constitution of the United States which their own respect for it, their self-respect, and their regard for their own authority, require them to maintain? If they determine that they will, as they are solemnly bound to do, maintain this, and are still urged, on the other hand, that as this article in the constitution of Missouri is repugnant to that of the U. S. it is void; and if attempted to be enforced, redress may be had in the Supreme Court of the U. S.;—if, I say, this is urged, I would appeal to every member of Congress, whatever his sentiments may be on *restriction*, whether it is fair, whether it is just or honorable, thus to shift off from themselves the task of resisting this encroachment on the constitution upon that venerable tribunal? It presents itself to Congress immediately, looking them full in the face with a stare of defiance. It is evidently the intention of the State to maintain it by every means in its power. It is therefore for Congress to decide whether it will by its authority annul it, and all pretensions in its support, at once, by obliging the State to expunge it, or whether it will leave it as materials for a future struggle between this hopeful member of the Union and the supreme tribunal of the nation. If Congress could be certain that the State would peaceably submit to the decision of that tribunal, still it would be highly proper—I do not deem it too much to say that it is its *duty*—when it is so directly called on, and has it so easily in its power to do it—to resist and remedy this inroad on the constitution, instead of leaving it as a legacy to that Court. Congress is guardian of the constitution, as well as the Supreme Court. In all matters which pass under its legislative cognizance it is as much bound to make that sacred instrument observed as the Supreme Court is in cases which pass under its judicial cognizance. It is as much bound to cause it to be observed in all such cases as it is to observe it itself. It is its duty to exercise a vigilance in guarding it from the encroachments of any State, as well as in guarding it from the infringements of the Executive. It ought never to shift from itself this high and solemn trust. It ought to exercise this highest of its constitutional functions with firmness whenever it is required. It would be unworthy that body to endeavour and labour to rid itself of that most sacred of its duties, "of maintaining the constitution in full authority and respect," when a violation of it is passing under its constitutional supervision. That body should be equally vigilant in observ-

ing and in guarding it. It is into its hands that the high duty is in the first instance committed, of preserving it inviolate and respected. It cannot therefore rid itself of that, with any justice or decency, by throwing the task upon the Supreme Court, even if it were certain that its decision would be quietly submitted to.

But unfortunately, such seems to be the state of society and of feeling in that territory, that it is scarcely probable that the authority of the Judiciary would be submitted to without commotion and violence. The spirit manifested in the article in question itself, knowing as they must have known, that it was in the face of the constitution, proves that the infatuated inhabitants of the territory, are bent on struggling against its authority and operation to the last. If therefore, Congress abandon the task of vindicating it to the Courts, the consequence will be that they will be insulted and disturbed in the performance of their duty. They will become obnoxious to infuriated partizans and mobs. The execution of their decrees will be finally resisted; and though no very notable rebellion need be apprehended, they will continue to oppose it, till they are quelled by military force. This will keep that part of the country in a state of anxiety and alarm. Outrages and excesses will be the consequences—and when, after all the resistance shall be subdued in one instance, and the decree executed, the same mob, or its fellow, will be ripe for the same scenes in another instance. The cry of protecting their State Constitution, will be the pretext, and an excellent one it will be to rouse a deluded and inflamed multitude. These scenes, and their indefinite repetition, it is in the power of Congress to prevent, by rejecting the State till she expunges this article from her Constitution. She will then have no pretext for violence, and no one to direct it against. She will find herself obliged to comply with a good grace. It will then leave no rallying point for sedition in her Constitution. Congress will have done its duty; and after such a spirit and firmness exhibited upon the subject, the State of Missouri will scarcely undertake to brave the Union. Besides, if this article is to be expunged, she will be less anxious for slavery itself. She will not be fond of having slaves at the hazards which are supposed to attend their contact with free blacks. This may tend, though that is a consequence little to be cared for, to make the good people of Missouri submit with less murmuring, to the restriction upon slavery altogether; “for to this favor she must come at last.” There is firmness enough left yet to adhere to the path where every guide of conduct that we dare to acknowledge, directs us. That

course is plain and direct, and unclogged with any difficulty that really merits a moment's attention ; it is to *declare, at the time of her rejection, that she shall be admitted into the Union only on condition that slavery shall be prohibited by her Constitution, and that prohibition to be perpetual.*

To shake the firmness which would adopt a course thus clearly warranted by the Constitution, and dictated by considerations so numerous and so vast in their import, one means has been resorted to which I cannot pass without notice. I allude to the threats which have been openly made by the representatives of the slave States, of a dissolution of the Union! This has been done on the floor of Congress. It has been done by others out of doors. It was not met in Congress as it deserved. It even alarmed many friends of restriction, both in and out of Congress. Instead of those puerile apprehensions, it ought to have excited no other emotion than contempt and indignation. But in Congress, some of the members friendly to restriction seemed to be struck with dismay at the bare sound. Even those who regarded it as an idle threat, did not treat it in that manner. Now and then a note of defiance was heard from them, but it was soon drowned by the boisterous threats of the members from the slave States. If this threat moved our pity less, we might be able to do it justice : But we can scarcely afford any thing but derision for it. What can be more ridiculous than a threat to dissolve the Union, because a new State cannot be admitted with slavery? This is like the impotent menaces of a froward child. Surely the interest of the slave States is as strong and deep in the Union as that of the non-slaveholding. The vast and incalculable interests of both in it, are a sufficient security against a severance upon any such occasion. However high the passion into which our Southern brethren may lash themselves upon this subject, they will never be guilty of such a madness as to attempt a severance of the Union. Their interest in making Missouri a slave State, is not proportioned to their interest in the national confederacy. If Missouri is admitted with restriction, they lose nothing ; or nothing, at least, but a market for slaves. If they dissolve the Union, they lose every thing which they, as well as we, ought politically to prize. The very prospect would make them turn as pale as ourselves. This nation, which has enjoyed a prosperity unparalleled, would become the prey of wars. For peace could never be maintained between two powers which separated in such a spirit, and where so many things would occur at every turn to disturb their amity. The slaves of those States would probably be the first subject of contention, and would kindle

a war immediately. The non-slaveholding States, if the slave States retired in a body, would never bind themselves to deliver up the slaves which might take refuge in their territory. They would be protected against the demand of their masters. It is easy to see that runaway slaves under such circumstances would abound. This would lead to hostilities between them in the event. Who would have most to gain or lose in that event, it is not necessary to discuss. That event is one which neither party would court. It is an event which must appal both. Can any rational man therefore believe that either would act thus madly? How ridiculous then to hold out such threats as these to deter us from a course pressed on us by the high motives presented here. Would that some AMES or some HAMILTON had been there to have heard this disgraceful and ridiculous threat! Those who uttered it would then have found that in conjuring up this spectre of disunion to frighten men from the ground of duty, they had called up other spirits which they could not so easily remand to sleep; spirits that would never have yielded to *threats*, what their consciences and their trust forbade them to yield to arguments. But it was the fate of this sacred cause to have some *prudent* or some dastardly advocates. There were some who were not ashamed to say, in defence of a vote for the extension of slavery, that they did it to save the Union!! Yes: they confessed themselves cowards and fools and traitors! They acknowledged that they suffered themselves to be brow-beaten and threatened in the very hall of legislation itself, into a vote that their better reason forbade and condemned!

As to those who voted against this restriction from honest, though mistaken constitutional scruples, they have a claim to forbearance. But in the shape in which this question is to be presented to them at the ensuing session, they can have no room or excuse for those scruples. Those who made, if any such there were, those scruples a pretext before, can no longer cloak their real motives under them. The question then before them will be, whether they will admit a slave State, or reject it, till it interdicts slavery. The right of Congress to *admit* or *reject* a State, as it sees fit, the most doughty of those gentlemen can have no constitutional scruples upon. If therefore they are true to their own former professions—that they were sincerely opposed to slavery, and only forbore to vote for restriction in that shape, because they believed the Constitution was opposed to that shape; I say, if they are now true to those professions of which they were then so lavish, they must reject Missouri,

till she consents to interdict slavery. Let not those nor any other men be deterred from pursuing this course by any threats of disunion. If it were certain that the firm fulfilment of the trust reposed in them would even determine the Southern part of the Union to withdraw from it, their duty and course would remain unaltered. God forbid that we should shrink from our duty from a dread of any consequences that the infatuation and folly of those States may lead to. God forbid that our rights should be extorted from us by any threats. If we are to surrender all at the alternative of a dissolution of the Union, there can be but one voice among us. If the Union can no longer be governed by a majority of Congress; if the constitutional authority of that body is to be set at naught by threats of dissolution on every occasion that may touch the feelings or the interests of a certain portion of the Union, then I say unhesitatingly, the sooner such a Union is dissolved, the better will it be for both parties. It must sooner or later be dissolved, if such a spirit is cherished and yielded to. If we are prepared to surrender and compromise all our rights at the first threat of disunion, let the Union remain upon these terms: but let the terms of capitulation be understood; let it be understood that when certain States fancy themselves aggrieved by the operation of an act of Congress, a threat of disunion is to overthrow it forever, be it as politic and expedient as it may. Who can foresee on what occasions and to what purposes this threat may be put in exercise? Let such a precedent be once set,—that wherever there is a collision of views and sentiments, a threat of disunion is to carry every point, and on every great question it will be the all-prevailing argument. The Union must then be dissolved by one party or the other in self-defence. Indeed, if once this principle is submitted to, if threats of disunion, loud and boisterous, as those we have heard, are to prevail against reason and conviction, the Union is already dissolved.—The terms of the confederation are violated and though the form may remain, the substance and the spirit are gone. Where is the question of national concern in which this diversity of views and warmth of discussion may not take place, and on which it may not be found convenient to resort to this dernier argument? On questions of revenue, on questions of peace or war—on every great political question arising in Congress, a certain portion of the Union may find it convenient to resort to it. If it is to be omnipotent in the hands of any party, or any geographical section of the country, we have but the mockery of a Congress, and the mockery of an Union.

We are therefore bound, as we esteem all that is guaranteed by the federal compact, to repel this threat, and set it now and forever at defiance. This is said upon the supposition that it is something more than an idle threat. There is nothing whatever to be apprehended from this source, but if any should by possibility think that there may be, they will perceive that, deplorable as that alternative is, it is to be deplored less than the situation we should be reduced to, if every thing is to be surrendered to threats of disunion.— That would be a state subjecting us to a humiliation of our feelings and character and a prostration of all our interests. These could be better protected and better encouraged in any other conceivable condition. But these threats of dissolving the Union would, if they could be considered for a moment in a serious light, deserve far other notice than any I have bestowed upon them. They bear however too plainly the stamp of madness to excite any thing but a smile.— Let it be said as loudly and as often as its authors may think proper, henceforth it will not even serve to frighten puling babies, much less “babies of a larger growth.” The latter have recovered from their fright, and their nerves are better braced. Away then with these froward threats of dissolving the Union: but above all, let us hear no more of this folly of saving the Union by a compromise of duty and rights. While we have an Union, let us have its advantages; and when we can have them no longer, when the very basis and spirit of it are abrogated by threats of disunion, let both parties have the benefit of disunion: but let us have no government of threats. To submit to *force* is sometimes necessary, and when we are overpowered by a superior one there is no disgrace in submitting to it: but to submit to *threats* is disgraceful and cowardly: It is as impolitic as it is dishonorable.

As to the *menacing attitude* of Missouri herself, few words will dispatch that subject. It is true that the State of Virginia has resolved, in General Assembly, to support her in resisting the authority of the Union. It was the most insolent attempt to overawe Congress in its deliberations, and the most contemptuous outrage on its authority, that a legislative body could be guilty of. It would disgrace a Parisian mob. The Legislature of Virginia, she who would fain believe herself the *capital* of our political column, resolved, in the face of the nation, that it would resist the authority of Congress if it dared to decide against its views. The resolve to which I allude, spoke this in language not to be misunderstood. That Legislature resolved, deliberately and solemnly, that they would join Missouri “*in resisting with*

E

manly fortitude" any attempts of Congress to exclude slavery from her. This is the language of insurrection and of treason. Whether it was intended as a threat which they were ready to execute, or as a mere bravado, it is almost equally reprehensible. But whichever it was intended for, we have no fears on that head. We trust there is "*manly fortitude*" elsewhere as well as in Virginia; a "*manly fortitude*" that will not shrink from the line of duty at the *combined* threats of Virginia and Missouri. All must see how vain and impotent such threats are, in a nation composed of elements like ours. But if Missouri is prepared to "*resist with manly fortitude*" the authority of the Union, in the event of her rejection, this is, in itself the very strongest reason why she should not be admitted into it. What! shall a portion of our national territory force itself as a State into the Union by threats of raising war against us if she is not admitted? By threatening, with a population of 40,000 souls, to raise the standard of rebellion and independence? If the State of Missouri contains such elements of disorganization and disunion, she is not fit for a member of this or any other government as an independent State. Congress ought, it is its imperious duty, to keep it in the territorial condition, until the population assumes a different character; until it manifests a disposition of submission to lawful and constituted authority. If she should think proper to raise the standard of rebellion and independence, it will be time enough when the Union is in danger of being conquered by her, to submit to terms of her dictating. Never, before that period, will any man who is faithful to the government and constitution of his country, yield a jot to her threats of rebellion.— Perhaps she may have

——“A thousand spirits in one breast,
To answer twenty thousand such as *ours*”——

but we are in no great dread either of the experiment or the result of it, if she should think proper to make it.

The conduct of Missouri in another respect, has given her no title to favor. Since authority was given her to form a State Constitution, she has proceeded to organize a Convention, and no sooner have the wisdom and prudence of that body put one together, such as it is, than without waiting for the final vote of admission or rejection from Congress, they push on without any sanction or authority to put their new form of government into operation. If a State must be admitted as a matter of course, after it has formed a Constitution, without any regard to its provisions, it would give it no right to proceed without the formal sanction of

Congress. But so far from its being a matter of course and a matter of mere form, it is a most substantial preliminary to its assuming the functions of an independent State. This doctrine none will deny. It is of the very essence, it is necessary to the legal existence of a State thus formed, that it be *admitted* into the Union. Till that act is consummated, the State has no constitutional being. It is a non-entity. Every consideration of right and delicacy forbade her to take the reins of administration into her own hands, until her constitutional being was consummated by a formal and constitutional admission into the Union. But her passion for self-government seems to have equalled her fitness for it. She puts her new form of government instantly into operation, and without taking the trouble to submit her Constitution to Congress, she sets up an independent and sovereign State on her own bottom. The first intelligence announced to us from this still *inchoate* State is, that her new Governor is making speeches and her new legislature making laws ; and all by virtue of a Constitution, which Congress, to whom it belongs to see and approve it, has never seen or as yet heard of. This, every man who will take the trouble to examine the Constitution of the United States, will pronounce downright usurpation. What therefore does all this hasty and intemperate conduct of Missouri indicate, and to what does it lead ? It indicates such a spirit of contempt and resistance of the authority of Congress as never can be suffered to pass unchecked, if that body discharge their duty to themselves and to the Union. The citizens of that State, or their ill-advised leaders, have attempted, and have indeed been successful in the attempt, to wrest from Congress their constitutional power and authority over the territory. The policy of Missouri in this hasty and unwarranted step is very obvious. It is the low cunning of making sure of their new Constitution with all its defects, by putting it into immediate operation. Their new Governor, chosen under it, assumes his functions immediately ; their legislature, chosen under it, fall immediately to the work of legislation, that so Congress may be deterred from disturbing the new order of things. This is an open defiance of their authority. Missouri has thrown the gauntlet, and if there is a spark of courage, or the least sense of duty left in that body, they will not be slow in taking it up. Most unquestionably, that Governor and that Legislature had no right to assume the functions of a *State* under their new Constitution, until their existence as a State was recognized and consummated by Congress. But Missouri, it seems, is too free to wait for that. I enquire, to what do such proceedings lead ? But it can-

not be necessary to shew to what examples of insubordination must lead. It cannot be necessary to point out the consequences that must attend such usurpation if it is thus quietly and tamely submitted to. It is the end of all authority—of all security to be derived from Compacts and Constitutions. Our rights and our interests become the sport of others' intemperance and contempt. If Missouri is to be admitted into this Union in despite of a constitutional majority in Congress, then farewell law—and farewell order: if she may thus brave the authority of Congress and force her way into the Union, then farewell our Constitution and farewell all it guarantees: It has become the “rope of sand” which its enemies long ago predicted it would be, if such things are tolerated under it.

It is not difficult to foresee that much stress will be attempted to be laid on the idea of a fancied *compromise* at the last session. It will be recollected that the two bills for the admission of Maine, and for granting authority to Missouri to form a State Government, were coupled in one in the Senate, and a majority of that body refused to separate them. Under these circumstances those who were anxious for the admission of Maine, in the House of Representatives, found themselves compelled to vote for the authority to Missouri without restriction. It is much to be regretted that some of the Representatives of Maine were in so great a haste to be admitted as a State. The artifice of coupling the two bills together, was an artifice too low and too stale to deserve even the name of cunning. But because those who were in favor of the admission of Maine, found themselves obliged, if they would attain that object, to vote for authority to Missouri to form a State government, did they *compromise* their right to reject Missouri if her Constitution was exceptionable? Between whom was *any* compromise whatever made? But above all, who betrayed his trust so far as to consent to *such terms* of compromise as these? Surely there was no *express* understanding that members bound themselves by their vote to allow Missouri to form a Constitution of State government, to vote for her final admission into the Union, let her Constitution be what it might; nor will any man have the hardihood to contend that there was such a *tacit* compact. But no body can be imposed on by this specious cant of compromise. It was not a compromise in any point of view. The friends of restriction gave up every thing and its enemies gave up nothing. There was nothing else in controversy but restriction upon Missouri, and that was *compromised* by its friends. What concession was made upon the subject of restriction on Missouri to those

who advocated it? None—not the shadow of a concession on that subject. As to the restriction on slavery in the territory North of 36d. 30m.—this had nothing whatever to do with restriction in Missouri. It was altogether as distinct from that as Maine was from Missouri. But if that is to be considered as a concession, let it be thrown back to those who made it. If the friends of restriction on Missouri had voluntarily renounced all right and power to check slavery in the territory of the United States, I would have applauded the *consistency* of the man who made so infamous a renunciation; but to retain the *principle*, and to give up the exercise of it in the most extensive and the most important instance, is no compromise: it was a *surrender*; and as disgraceful as impolitic. But it is a surrender which we may yet retrieve, and which we are *bound* to retrieve. This is a subject which admits of no compromise. There is no difficulty in making this cant of compromise a cloak and an excuse for surrendering every right which we hold dear and sacred as members of the national government, if every thing may be thus compromised. As we concede our rights, the demands on the other hand must rise, and when we have parted with all our firmness and all our rights, we may dignify the surrender by the name of compromise. But if such a dereliction is to be characterized by that name, *compromise* will hereafter become synonymous with *surrender* and *betray*. It will hereafter convey an idea as contemptible as *surrender* and as infamous as *treachery*.

Cases most unquestionably there are, every day, in which *mutual* concession by legislative parties is extremely proper and politic. But even this must have its limits. Compromise, on subjects respecting which different views of policy and expediency are entertained, is very often proper and necessary. But to compromise justice and principle and duty, who would consent to such a compromise? It is impossible that any can take place which involves such concessions.

But to talk of *compromise* where there is no *mutuality*, is most idle and most ridiculous. Here the compromise is all on the side of the advocates of restriction. It is they who compromise every thing, without a concession in return. With what face then can any man talk of *compromise* in this case? Not only is this a subject on which no compromise can be made without violence to principle and duty, but even for a concession forbidden by them, not a shadow of a return is made on the other hand.

Finally, this question of restriction on slavery in Missouri ought only to be identified with the question of admitting,

or excluding slavery from the whole territory of the United States. The pretence that *slaves* are necessary to the cultivation of any part of the territory West of the Mississippi, it is in vain to set up. The white population born in the most southern part of it, and emigrants who are inured to the climate, are as capable of cultivating it as slaves. It only needs to make the experiment. It is not any physical disability that precludes the labor of the white population of our Southern climates. It is the disgrace which must ever attend labor where there are slaves only to perform it. But if at all events, the more Southern parts of the territory must be cultivated by *blacks*, let it be done by *free* and not by *brute* blacks. Let the Southern part of that territory remain a wilderness and desert, sacred to the range of unenslaved beasts of the forest forever, rather than be polluted with the tread of enslaved and brutalized human beings.

It is the fashion and the interest of our Southern brethren to sneer at the idea of emancipation at any period, however distant. If the practicability of emancipating *negro slaves* at all, with safety to themselves or society, were denied, we might at once refute all such pretences by pointing to the example of more than one State in the Union. They have already proved that slaves may be safely emancipated. It is equally feasible in the Southern States. It will only require to be done gradually and prudently. Some sacrifices would be necessary. But the present slave States would reap all the advantage of them. It would be no triumph for the non-slaveholding States. They would be no gainers in point of interest. The blacks, when emancipated, would infest the Middle and Eastern States almost as much as the Southern. The emigration from the former to the latter, would increase ten fold; and produce an accumulation of capital and an appreciation of property, which would much more than compensate them for all their sacrifices. Their interests could not be more effectually served; those of the non-slaveholding States would be rather disserved. But God forbid that such considerations should damp our zeal. Though no particular benefits are to result to us, it will be a triumph of philanthropy, freedom and justice. Visionary as this triumph may at this day appear, much may be done at no remote period, by the prevalence of knowledge and the dispersion of prejudices.

If the various considerations involved in this subject, the principal of which I have endeavored to exhibit in as few words as possible, be considered for a moment, it will be seen how much regard is to be paid to those who would faintly stifle the question altogether, by insinuating that it has been

magnified by the warmth of debate into greater importance in the public view than it is intrinsically entitled to. If the importance of it were to be measured by any single one of the considerations which it involves, it would justify all our zeal. The question is not surely one of trivial import, which involves the future well-being of a territory so extensive as that of Missouri. It is not a small matter whether a State that in point of extent is the second in the Union and rapidly populating, should be peopled by freemen only, by a hardy and intelligent yeomanry, free as the air they breathe, or whether it shall be burdened and disgraced with a slave population, and that blackness of darkness scarcely be relieved by the intermixture of petty despots. It is not a trivial question whether a stand shall be made against the further progress and encroachments of this moral and political curse, or whether it shall be permitted to spread itself over the boundless regions West of the Mississippi, unchecked and unrebuked in its course. Nor are any of the remaining considerations to which I have adverted, much less trivial in their nature than these. They are of a cast to rouse every feeling that can be touched, and to call into action every principle that can be appealed to, which we dare to acknowledge.

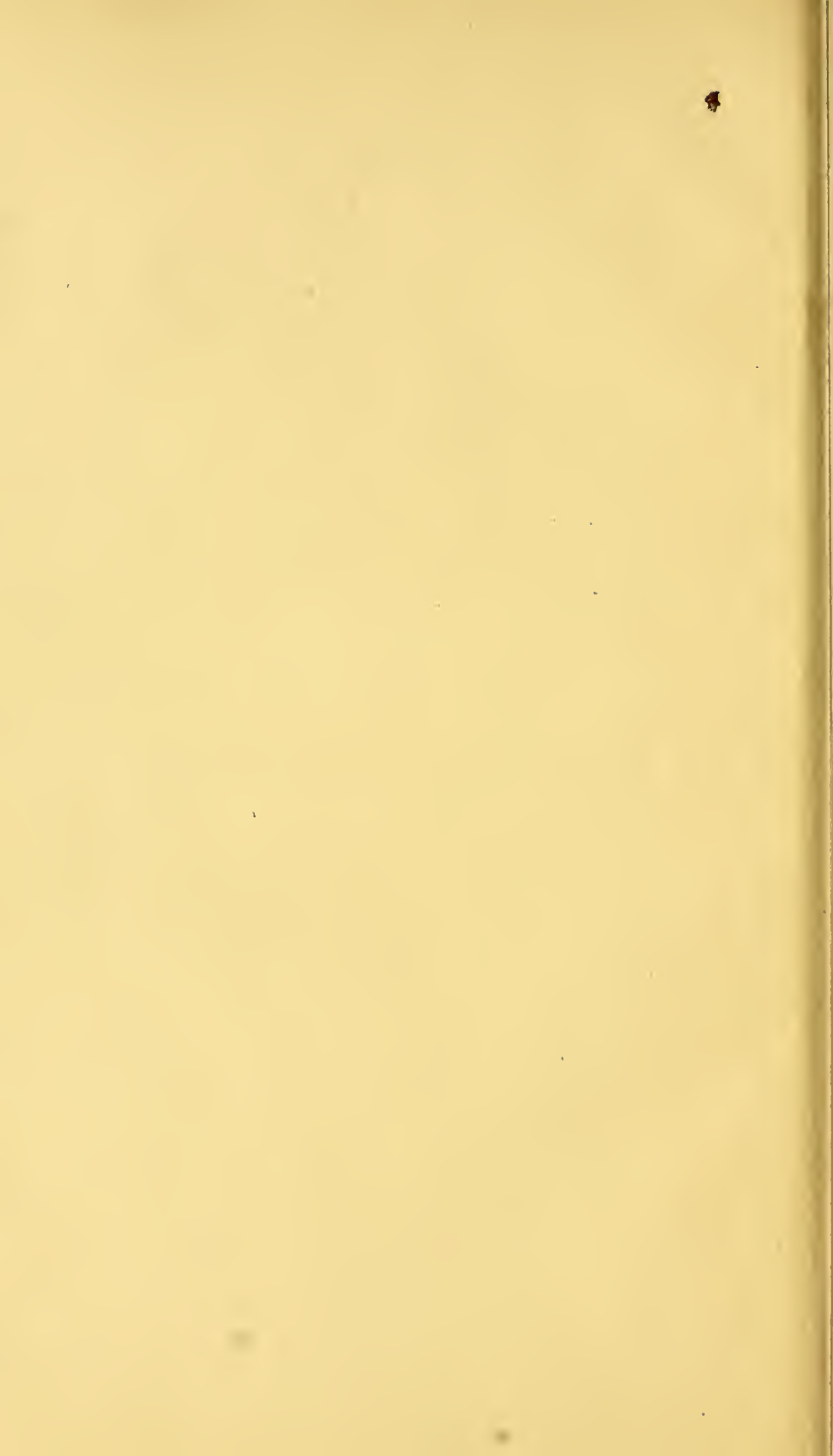
There may have been attempts to intermingle with this momentous subject party views and party interests. These must fail of their aim; and those, on the other hand, who think to make use of these attempts to the injury of the cause we are engaged in, will fail of their aim also. It is not from such quarters that danger is to be apprehended: nor is it from the quarter where a revival of this question is so much deprecated that danger is to be apprehended. Those who have undertaken to point out to Congress the course proper for it to pursue on this question, may very safely be left to the full scope of their influence. With all the advantages which their proximity to the *scene of debate* may confer, it is humbly trusted that their influence will not be very dangerous. They have laid all debate under their official *ban*; but if debate is thought expedient on this great question, it will probably take place, without being under much restraint from the well-timed and decorous monitions to which I allude. But let me not be understood as enforcing the necessity or propriety of a debate on the question. I should be guilty of the same fault which I have hinted at in others if I did so. But this I might be free to declare, with the monitor alluded to, that debate would be worse than useless, if it is to be conducted in the manner and with the spirit which pervaded that at the last session. However, I most cheerfully and humbly relinquish the question of debate or no de-

bate to the wisdom of Congress. I care not what is said—it is what may be *done*, that every man in this nation is interested in.

In conclusion, what can be added?—To those whose principle and judgment are already pointing to the course I have endeavored to urge, nothing more can be addressed. It can scarcely be necessary to reiterate the motives for their firmness which I have attempted to exhibit. If they will not be made immovable at a bare statement, at a bare view of them, they would waver, though instead of the “small voice” that now whispers them, Heaven itself should speak to them in the voice of its thunder. If men can be lukewarm when such motives for their zeal press upon them, they would be cold though the angel of the Apocalypse should threaten, for their lukewarmness, to “remove their candlestick out of its place.” If any who favour this cause are ashamed of being zealous in it, let them renounce it, and with it renounce the remnant of virtue they may have left, because it may put them to the blush. If any are afraid of being zealous in it, if they can preserve or obtain any advantage by abandoning it, let them do it without scruple. They will profit this cause more by an open dereliction, than by an inert adherence to it.—God preserve it from all such cold and lifeless advocates.

As to those who, in the face of all that has been and can be urged, are determined to leave no mean untied to extend slavery over Missouri, argument and exhortation are equally useless with them. If, however, we knew of any principle by which we might conjure them, or of any feeling to which we might appeal, we would conjure them to pause: we would humbly attempt to demonstrate to them that their true interests, as well as their duty, pronounce an interdict upon the course they have pursued, and are so bent on pursuing, which may not be wisely or safely disregarded. But on this subject we know of no principle of theirs that may be addressed. As to their interests, they choose to consult their immediate ones, or what they deem such, at the hazard of more remote perils, and at the expense of more remote but infinitely higher and better interests. With such men nothing remains to be done but to resist their infatuation as firmly as in us lies. If it be successfully met, the result will be a triumph of the cause of truth and justice honorable to its supporters and grateful to Heaven. If that infatuation should, in an evil hour, prevail, the worst will betide the conqueror: But in the interval of suspense that remains, this solemn though humble *Carcat* may be received with indulgence, and by the blessing of Heaven may not be altogether in vain. ————FINIS.





LIBRARY OF CONGRESS



0 011 837 062 4 ●